

No. 23-16091

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HOWARD JARVIS TAXPAYERS ASSOCIATION, *et al.*,

Plaintiffs-Appellants,

v.

CITY OF SAN JOSE,

Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of California

Consolidated Case Nos. 5:22-cv-00501-BLF and 5:22-cv-02365-BLF
Hon. Beth Labson Freeman

**APPELLANTS' EXCERPTS OF RECORD
INDEX VOLUME**

Jonathan M. Coupal, SBN 107815
Timothy A. Bittle, SBN 112300
Laura E. Dougherty, SBN 255855
Howard Jarvis Taxpayers Foundation
1201 K Street, Ste. 1030
Sacramento, CA 95814
Telephone: (916) 444-9950

Attorneys for Appellants

Document	File Date	USDC Dkt. No.	ER No.
Volume 1 of 4			
Order Dismissing Case	07/28/2023	109	3-4
Order Granting Defendants' Motion to Dismiss With Leave to Amend in Part and Without Leave to Amend in Part	07/13/2023	107	5-27
Volume 2 of 4			
Notice of Appeal	08/29/2023	113	31-32
Amended Notice of Appeal	08/21/2023	112	33-36
Notice of Appeal	08/11/2023	110	37-40
Plaintiffs' Notice of Intent not to Amend Complaint	07/27/2023	108	41-43
Defendants' Reply in Support of Motion to Dismiss Plaintiffs' Consolidated Second Am	03/30/2023	104	44-62
HJTA's Opposition to City's Motion to Dismiss Plaintiff's Complaint	03/16/2023	102	63-82
Defendant's Motion to Dismiss Plaintiffs' Consolidated Second Amended Complaint Under Federal Rules 12(b)(1) and 12(b)(6)	02/16/2023	95	83-114
Declaration of Tamarah P. Prevost in Support of Defendants' Motion to Dismiss Plaintiffs' Consolidated Second Amended Complaint	02/16/2023	95-1	115-117
Consolidated Second Amended Complaint for Injunctive Relief, Declaratory Judgment, Invalidation of §§ 10.32.215 and 10.32.230(B) of Chapter 10.32 of Title 10 of the San Jose Municipal Code, and Nominal Damages	02/02/2023	94	118-142
Exhibit A	02/02/2023	94-1	143-145
Exhibit B	02/02/2023	94-2	146-150
Exhibit C	02/02/2023	94-3	151-155
Exhibit D	02/02/2023	94-4	156-161
Exhibit E	02/02/2023	94-5	162-176
Exhibit F	02/02/2023	94-6	177-181
Exhibit G	02/02/2023	94-7	182-184
Exhibit H	02/02/2023	94-8	185-191

Exhibit I	01/06/2023	94-9	192
Defendants' Status Report on Implementation of the Gun Harm Reduction Ordinance	01/06/2023	85	193-198
Transcript of Proceedings Before the Honorable Beth Labson Freeman United States District Judge	08/16/2022	76	199-265
Defendant City of San Jose's Notice of Motion and Motion to Dismiss Plaintiffs' Complaint Under Rules 12(b)(1) and 12(b)(6); Memorandum of Points and Authorities	04/22/2022	02365 No. 9	266-296
Exhibit 1	04/22/2022	02365 No. 9-2	300-308
Exhibit 2	04/22/2022	02365 No. 9-3	309-312
Volume 3 of 4			
Exhibit 3	04/22/2022	02365 No. 9-4	315-324
Exhibit 4	04/22/2022	02365 No. 9-5	325-330
Exhibit 5	04/22/2022	02365 No. 9-6	331-333
Exhibit 6	04/22/2022	02365 No. 9-7	334-337
Exhibit 7	04/22/2022	02365 No. 9-8	338-469
Exhibit 8	04/22/2022	02365 No. 9-9	470-475
Exhibit 9	04/22/2022	02365 No. 9-10	476-502
Exhibit 10	04/22/2022	02365 No. 9-11	503-510
Exhibit 11	04/22/2022	02365 No. 9-12	511-521
Exhibit 12	04/22/2022	02365 No. 9-13	522-540
Exhibit 13	04/22/2022	02365 No. 9-14	541-555

Declaration of Sarah Zarate in Support of Defendant City of San Jose's Motion to Dismiss Plaintiffs' Complaint	04/22/2022	02365 No. 9-15	556-558
Exhibit 1	04/22/2022	02365 No. 9-16	559-578
Volume 4 of 4			
Transcript of Proceedings Before the Honorable Beth Labson Freeman United States District Judge	09/07/2022	02365 No. 28	581-613
Defendants' Corrected Status Report on Implementation of the Gun Harm Reduction Ordinance	08/17/2022	02365 No. 25	614-620
Docket Report 5:22-cv-00501-BLF			621-638
Docket Report 5:22-cv-02365-BLF			639-645